

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF NEW YORK

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4 ROSA A. GUZMAN,

5  
6 Plaintiff,

**MEMORANDUM & ORDER**

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10 13-CV-02243 (FB)

11  
12 -against-

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14 CAROLYN W. COLVIN,  
15 ACTING COMMISSIONER OF  
16 SOCIAL SECURITY,

17 Defendant.

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22  
23 **Appearances:**

24  
25 *For the Plaintiff:*

26 CHARLES E. BINDER  
27 Law Offices of Harry J. Binder  
& Charles E. Binder, P.C.  
60 East 42nd Street, Suite 520  
New York, New York 10165

28 *For the Defendant:*

29 ROBERT L. CAPERS  
30 United States Attorney  
31 Eastern District of New York  
32 271 Cadman Plaza East  
33 Brooklyn, New York 11201

34 By: KAREN T. CALLAHAN  
35 Special Assistant United States Attorney

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40 **BLOCK, Senior District Judge:**

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42 Having independently determined the following—that the plaintiff's contingent-  
43 fee arrangement has yielded a reasonable result in this particular case, as required by  
44 42 U.S.C. § 406(b)(1), and that it is not tainted by fraud or overreaching or awards an  
45 improper windfall to plaintiff's counsel, *see Wells v. Sullivan*, 907 F.2d 367, 372 (2d

1 Cir. 1990) (requiring courts to consider these factors when weighing the validity of  
2 such arrangements)—and with the Commissioner’s recommendation, plaintiff’s petition  
3 for attorney fees in the amount of \$17,852 is GRANTED. Upon receipt of this sum, in  
4 accordance with his representations to the Court, plaintiff’s counsel is to remit  
5 \$6,164.05 that he received under the Equal Access to Justice Act to plaintiff.

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7 **SO ORDERED**

8 /S/ Frederic Block  
9 FREDERIC BLOCK  
10 Senior United States District Judge

11 Brooklyn, New York

12 February 7, 2017

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